

5/21/87

SB 664  
McFarland  
(Hury)

SUBJECT: Official citations for Texas laws

COMMITTEE: Judicial Affairs: favorable, without amendment

VOTE: 5 ayes--Hury, Rangel, G. Luna, Parker, Smithee  
3 nays--S. Hudson, Schoolcraft, S. Thompson  
1 absent--Perry

SENATE VOTE: On third reading, March 12--27 ayes, 0 nays

DIGEST: SB 644 would authorize the secretary of state, in cooperation with the Texas Legislative Council, to adopt official citations for all general and permanent state laws that do not already have official citations or did not receive officially designated article numbers at the time of their enactment by the Legislature. All subsequently enacted laws would follow that citation system.

The secretary of state could collect a fee for obtaining or publishing a certificate authenticating the text of Texas statutes.

SB 664 would also apply the provisions of the Deceptive Trade Practices Act to any publisher of Texas statutes that commercially distributes the text of those Texas statutes under a citation or designation system other than the official citations adopted by the Secretary of State, unless the publisher clearly discloses that fact to consumers.

SUPPORTERS SAY: This bill would provide for increased competition, more efficient service and availability, and lower prices in the statute and legal publications market in Texas. Other legal publishers and computerized law research companies have recently expressed interest in publishing alternate versions of Texas statutes, or providing the text of these laws in computerized form. However, the current sole publisher of Texas statutes, West Publishing Co., has claimed an alleged proprietary interest in the unofficial designated article number citations that appear in its version of Texas statutes.

This claim by West has effectively prevented any other publisher from entering the market, since they would be

unable to publish all of our current Texas laws unless they chose to rearrange and renumber the entire body of Texas law. SB 664 would call on the Secretary of State to adopt official citations for all laws and statutes whose unofficial citations have not yet been ratified by the Legislature.

This bill would not threaten West in any way except to block the claim by this private publisher headquartered in Minnesota, to some exclusive right to the numbering system for Texas statutes. This would open the field to other companies that want to provide access to Texas statutes to the consuming public.

OPPONENTS  
SAY:

This bill would result in confusion for Texas lawyers, judges, legislators and others who rely upon the standard version of Texas statutes contained in the present Vernon's statutes. The bill is special-interest legislation for the benefit of one publishing firm, Bancroft-Whitney of California, that wants to crack the Texas law statute market using the legal citation and numbering system developed and used by West in Vernon's statutes. What the bill might actually accomplish could be an entirely new statutory citation system, adopted by the secretary of state. This hasty action could render obsolete the thousands of copies of Vernon's Texas statutes. The result would be higher costs for Texas attorneys, which would be passed on to consumers.